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May 4, 2009

Via Electronic Filing and Hand Delivery

Mr. Charles Terreni
Chief Clerk and Administrator
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, SC 29210

**Re: *Application of Southern Power Company-South Carolina for a Certificate of
Environmental Compatibility and Public Convenience and Necessity
Docket No. 2009-165-E***

Dear Mr. Terreni:

Attached for filing with the Commission please find the original Affidavits of Publication for the Notice of Filing and Hearing in connection with the above-referenced Docket. By copy of this letter we are serving all parties of record with copies of the Affidavits of Publication.

If you have any questions, please do not hesitate to contact me.

Sincerely,


Faye A. Flowers

FAF/ccq

Attachments

cc: Shannon Bowyer Hudson, Esquire (w/enc.)
 Mr. Ben L. Clary (w/enc.)
 Mr. Rick Peterson (w/enc.)
 Carlisle Roberts, Esquire (w/enc.)
 Mr. John E. Frampton, Director (w/enc.)
 Mr. Chad Prosser, Director (w/enc.)
 The Honorable David Hogue (w/enc.)
 The Honorable L. Hoke Parris (w/enc.)
 Ms. Trudy Martin (w/enc.)

CHARLESTON, SC
CHARLOTTE, NC
MYRTLE BEACH, SC
RALEIGH, NC
SPARTANBURG, SC

SPARTANBURG
Herald-Journal
P.O. BOX 1657, Spartanburg, S.C. 29304
(864) 582-4511

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Personally appeared before me, a notary public in and for the State and County
aforesaid, Kristen Mooneyham, who having been duly sworn according to law, deposes
and says that she is a Representative of the Spartanburg Herald-Journal, a newspaper
published in Spartanburg, South Carolina, and that the attached legal ad was
published for 1 time(s) in the following issues:

4/26/09

Kristen Mooneyham
Kristen Mooneyham

Sworn to and subscribed before me
This 27th day of April, 2009

Alice Annas
Alice Annas
Notary Public for South Carolina
My Commission Expires May 23, 2016

**PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

DOCKETING DEPARTMENT

**NOTICE OF FILING AND
HEARING**

DOCKET NO. 2009-165-E

**SOUTHERN POWER COMPANY
D/B/A SOUTHERN POWER COMPANY - SOUTH CAROLINA - AP-
PLICATION FOR A CERTIFICATE
OF ENVIRONMENTAL COM-
PATIBILITY AND PUBLIC CON-
VENIENCE AND NECESSITY**

Southern Power Company d/b/a Southern Power Company - South Carolina ("Southern Power" or "Company") has filed an Application with the Public Service Commission of South Carolina (the "Commission") for a Certificate of Environmental Compatibility and Public Convenience and Necessity to construct and operate a new 230-kV transmission line ("transmission line") in northeastern Cherokee County, South Carolina. The Application was filed pursuant to S.C. Code Ann. §58-33-10, et seq. (1976 and Supp. 2008), the Utility Facility Siting and Environmental Protection Act ("Siting Act"). According to the Application, the transmission line will originate at the natural gas-fired combustion turbine generating facility. Southern Power proposes to build in Cleveland County, North Carolina and will interconnect with Duke Energy Carolinas' LCGS Ripp substation near Duke Energy's Mill Creek generating facility in Cherokee County, South Carolina. Further, the Company intends to construct the transmission line entirely within existing right-of-way to be owned by the Company. The Application reveals that Southern Power is currently engaged in negotiations with the affected landowners for the purchase of rights-of-way.

Regarding the need for additional capacity, the Application reveals that based on Southern Power's assessments, the Company has concluded that there is a need for additional peaking capacity in North Carolina. The Company states that additional wholesale generation is essential to meet the current and future needs for electricity in North Carolina. The transmission line is needed to tie the four combustion turbine generators Southern Power proposes to construct, totaling 720 MW, to the transmission system in order to deliver electricity from these facilities. The Application also states that the Duke Energy Ripp substation located in South Carolina was chosen as the tie in point because there was no economical North Carolina tie in available. The Company opines that the proposed project will increase reliability and economy of Duke Energy's service area, including the Piedmont region of South Carolina, by providing reliable peaking power and thus, South Carolina consumers who will not be served by this project at this time, will ultimately benefit.

A copy of the Company's complete Application may be obtained from the Commission at the following address: Public Service Commission of South Carolina, Docketing Department, 101 Executive Center Drive, Columbia, South Carolina 29210. Additionally, the Application is available on the Commission's website at www.pscsc.gov and is available from the office of Eaye A. Flowers, Esquire, Parker Poe Adams & Bernstein LLP, 1201 Main Street, Suite 1450, Columbia, South Carolina 29201.

In order to receive testimony and evidence from all interested parties, a public hearing will be held in the Commission's Hearing Room, Synergy Business Park, 101 Executive Center Drive, Columbia, South Carolina beginning on **Wednesday, July 17, 2009 at 10:30 a.m.**

Any person who wishes to participate in this matter as a party of record with the right of cross-examination should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure on or before **May 25, 2009**, and indicate the amount of time required for his presentation. Please include an email address for receipt of future Commission correspondence in the Petition to Intervene. *Please refer to Docket No. 2009-165-E.*

Any person who wishes to testify and present evidence at the hearing should notify the Docketing Department, in writing, at the address below, the South Carolina Office of Regulatory Staff at 1401 Main Street, Suite 900, Columbia, South Carolina 29201, and Eaye A. Flowers, Esquire, Parker Poe Adams & Bernstein LLP, 1201 Main Street, Suite 1450, Columbia, South Carolina 29201 on or before **May 25, 2009**, and indicate the amount of time required for his presentation. *Please refer to Docket No. 2009-165-E.*

Any person who wishes to be notified of the hearing, but does not wish to present testimony or be a party of record, may do so by notifying the Docketing Department, in writing, at the address below on or before **May 25, 2009. Please refer to Docket No. 2009-165-E.**

PLEASE TAKE NOTICE: Any person who wishes to have his or her comments considered as part of the official record of this proceeding **MUST** present such comments, in person, to the Commission during the hearing.

Persons seeking information about the Commission's Procedures should contact the Commission in Columbia at 803-896-5100.

Public Service Commission
of South Carolina
Attn: Docketing Department
Post Office Drawer 1249
Columbia, SC 29211

4/27/2009

195190

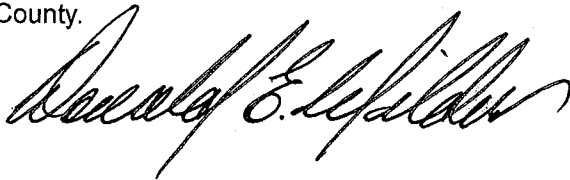
STATE OF SOUTH CAROLINA

**NOTICE OF FILING
AND HEARING**

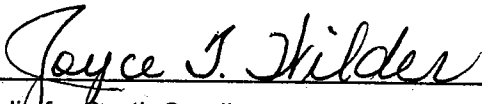
**SOUTHERN POWER CO.
DOCKET NO. 2009-165-E**

Personally appeared before me STEVE BLACKWELL, Publisher, or DON WILDER, CEO, who after being duly sworn, according to law, deposes and says that he is with HOMETOWN NEWS, INC., a group of newspapers published at Spartanburg, State and County aforesaid, and that the attached advertisement was published in THE BOILING SPRINGS SENTRY, THE CHESNEE TRIBUNE, THE SPARTANBURG COUNTY NEWS, THE INMAN TIMES, THE MIDDLE TYGER TIMES and THE WOODRUFF NEWS ...all the above papers published in Spartanburg County. In addition, it appeared in THE BLACKSBURG TIMES, located in Cherokee County and in THE WHITMIRE NEWS which is a paper located in Newberry County.

April 29, 2009



Sworn to before me this 29 day of April 2009



Seal

Notary Public for South Carolina

Commission Expires: August 23, 2016

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
DOCKETING DEPARTMENT
NOTICE OF FILING AND HEARING
DOCKET NO. 2009-165-E

SOUTHERN POWER COMPANY D/B/A SOUTHERN POWER COMPANY – SOUTH CAROLINA – application for A certificate of environmental compatability and public convenience and necessity

Southern Power Company d/b/a Southern Power Company – South Carolina (“Southern Power” or “Company”) has filed an Application with the Public Service Commission of South Carolina (the “Commission”) for a Certificate of Environmental Compatibility and Public Convenience and Necessity to construct and operate a new 230-kV transmission line (“transmission line”) in northeastern Cherokee County, South Carolina. The Application was filed pursuant to S.C. Code Ann. §58-33-10, et. seq. (1976 and Supp. 2008), the Utility Facility Siting and Environmental Protection Act (“Siting Act”). According to the Application, the transmission line will originate at the natural gas-fired combustion turbine generating facility Southern Power proposes to build in Cleveland County, North Carolina and will interconnect with Duke Energy Carolinas, LLC’s Ripp substation near Duke Energy’s Mill Creek generating facility in Cherokee County, South Carolina. Further, the Company intends to construct the transmission line entirely within existing right-of-way to be owned by the Company. The Application reveals that Southern Power is currently engaged in negotiations with the affected landowners for the purchase of rights-of-way.

Regarding the need for additional capacity, the Application reveals that based on Southern Power’s assessments, the Company has concluded that there is a need for additional peaking capacity in North Carolina. The Company states that additional wholesale generation is essential to meet the current and future needs for electricity in North Carolina. The transmission line is needed to tie the four combustion turbine generators Southern Power proposes to construct, totaling 720 MW, to the transmission system in order to deliver electricity from these facilities. The Application also states that the Duke Energy Ripp substation located in South Carolina was chosen as the tie in point because there was no economical North Carolina tie in available. The Company opines that the proposed project will increase reliability and economy of Duke Energy’s service area, including the Piedmont region of South Carolina, by providing reliable peaking power and, thus, South Carolina consumers, who will not be served by this project at this time, will ultimately benefit.

A copy of the Company’s complete Application may be obtained from the Commission at the following address: Public Service Commission of South Carolina, Docketing Department, 101 Executive Center Drive, Columbia, South Carolina 29210. Additionally, the Application is available on the Commission’s website at www.psc.sc.gov and is available from the office of Faye A. Flowers, Esquire, Parker Poe Adams & Bernstein LLP, 1201 Main Street, Suite 1450, Columbia, South Carolina 29201.

In order to receive testimony and evidence from all interested parties, a public hearing will be held in the Commission's Hearing Room, Synergy Business Park, 101 Executive Center Drive, Columbia, South Carolina beginning on Wednesday, July 1, 2009 at 10:30 a.m.

Any person who wishes to participate in this matter, as a party of record with the right of cross-examination should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure on or before May 25, 2009, and indicate the amount of time required for his presentation. Please include an email address for receipt of future Commission correspondence in the Petition to Intervene. Please refer to Docket No. 2009-165-E.

Any person who wishes to testify and present evidence at the hearing should notify the Docketing Department, in writing, at the address below, the South Carolina Office of Regulatory Staff at 1401 Main Street, Suite 900, Columbia, South Carolina 29201, and Faye A. Flowers, Esquire, Parker Poe Adams & Bernstein LLP, 1201 Main Street, Suite 1450, Columbia, South Carolina 29201 on or before May 25, 2009, and indicate the amount of time required for his presentation. Please refer to Docket No. 2009-165-E.

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Persons seeking information about the Commission's Procedures should contact the Commission in Columbia at 803-896-5100.

Public Service Commission of South Carolina
Attn: Docketing Department
Post Office Drawer 11649
Columbia, SC 29211

The Gaffney Ledger

(864) 489-1131

(864) 487-7667

1604 W. Floyd Baker Blvd. – P.O. Box 670 – Gaffney, SC 29342

STATE OF SOUTH CAROLINA

COUNTY OF CHEROKEE

Personally came before me, a Notary Public for State and County aforesaid, Carolyn C. Moss, Secretary/Receptionist for The Gaffney Ledger, Inc., a newspaper published at Gaffney, South Carolina, and on oath says that the above advertisement did appear in said newspaper, and that the clipping herewith attached and made a part of this affidavit is a true copy of said advertisement as it appeared in said newspaper on April 27, 2009.

Carolyn C Moss
Carolyn C. Moss, Secretary/Receptionist

Sworn to before me this

27th day of April 2009

Shirley Pool
Notary Public for South Carolina

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
DOCKETING DEPARTMENT
NOTICE OF FILING AND HEARING
DOCKET NO. 2009-165-E**

**SOUTHERN POWER COMPANY D/B/A SOUTHERN POWER COMPANY – SOUTH
CAROLINA – APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPAT-
ABILITY AND PUBLIC CONVENIENCE AND NECESSITY**

Southern Power Company d/b/a Southern Power Company – South Carolina ("Southern Power" or "Company") has filed an Application with the Public Service Commission of South Carolina (the "Commission") for a Certificate of Environmental Compatibility and Public Convenience and Necessity to construct and operate a new 230-kV transmission line ("transmission line") in northeastern Cherokee County, South Carolina. The Application was filed pursuant to S.C. Code Ann. §58-33-10, et. seq. (1976 and Supp. 2008), the Utility Facility Siting and Environmental Protection Act ("Siting Act"). According to the Application, the transmission line will originate at the natural gas-fired combustion turbine generating facility Southern Power proposes to build in Cleveland County, North Carolina and will interconnect with Duke Energy Carolinas, LLC's Ripp substation near Duke Energy's Mill Creek generating facility in Cherokee County, South Carolina. Further, the Company intends to construct the transmission line entirely within existing right-of-way to be owned by the Company. The Application reveals that Southern Power is currently engaged in negotiations with the affected landowners for the purchase of rights-of-way.

Regarding the need for additional capacity, the Application reveals that based on Southern Power's assessments, the Company has concluded that there is a need for additional peaking capacity in North Carolina. The Company states that additional wholesale generation is essential to meet the current and future needs for electricity in North Carolina. The transmission line is needed to tie the four combustion turbine generators Southern Power proposes to construct, totaling 720 MW, to the transmission system in order to deliver electricity from these facilities. The Application also states that the Duke Energy Ripp substation located in South Carolina was chosen as the tie in point because there was no economical North Carolina tie in available. The Company opines that the proposed project will increase reliability and economy of Duke Energy's service area, including the Piedmont region of South Carolina, by providing reliable peaking power and, thus, South Carolina consumers, who will not be served by this project at this time, will ultimately benefit.

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Public Service Commission of South Carolina
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Published: April 27, 2009